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623 692 685 *Picking windfall olives.* Similarly, the head of each family must pay a quarter of a dollar for each member of his family who starts picking up windfalls before the signal is given.

Theft of olives. The outright theft of olives is punished by a fine of ten dollars.

Trespassing in order to pick grass. If a man catches a woman picking or cutting grass for her cow on his land, he may report her, and her husband will be fined one dollar. But to make such a report is considered mean and few are willing to do so.

Stray goats and cattle in the cemetery. When goats or cattle, either with or without the intention of their guardian, enter a cemetery, their owner is fined a quarter of a dollar for each goat, and a dollar for each bull or cow which entered.

[689] *Repair of irrigation ditches.* If any farmer fails to send a man or men to work on a ditch, when he is required to do so, he is fined between two and three dollars per day per man.

Taking water illegally from irrigation ditches. This is considered a serious offense, and although it incurs but a five dollar fine, it always breeds bad feelings and often incites to murder.

[782] 623 692 689 *Regulating attendance at prayer.* To explain this function it is necessary to anticipate the discussion of religion. Each *bone* in the *canton* is required to send twenty-five men once a week to the common mosque of the *canton* to pray. The village council of each *bone* lists the names of all married men in the *bone*: a day is set for each *bone* to attend the mosque, and the *bone* keeps that day permanently. The first week the first twenty-five men on the list must go, the second week the second twenty-five, and so on until the list has been exhausted, when the procedure starts all over again. If the number of married men in the *bone* is not evenly divisible by twenty-five, those forming the remainder at the foot of the list are supplemented by enough at the head of it to fill the number, and the rotation starts anew. It is the task of the village council in whose territory the cantonal mosque is situated to see that twenty-five men appear from each *bone* on the allotted day. If a *bone* is so small that it does not contain twenty-five, it is combined with another *bone* for this purpose.

If the members of the village council of the mosque territory find that a quota is not full on a certain day, they fine the man who has defaulted five dollars. If this is not paid promptly the council of the great steps in and fines the guilty *bone* between two and three hundred dollars. If a man is away on a journey his name is temporarily stricken from the list and the following names are moved up one place; if he is ill or for some other reason unable to go, he is allowed to send a substitute. If a man falls ill on the way, becomes wounded, or is otherwise prevented from reaching the mosque when it is too late to obtain a substitute, his absence is excused.

The fines thus extracted, the proceeds of which go for the upkeep of the mosque, formerly consisted of walnuts, almonds, figs, or raisins. Later, when sugar was first imported, two sugar cones were assessed. Later still the money fine was introduced.

623 681 651 642 *Providing for exiles from other fifths.* When a man has been exiled by the tribal council for a year, two years, or more, he must pass to a different *fifth*, preferably to a *bone* in which he has friends. The village council of the *bone* collects an assessed portion of the crops of every farmer and gives it to him. This it does for the first year only. If he remains more than a year he must work as a share-laborer for a farmer and earn his living. If a farmer refuses to give his assessed portion it is taken by force, and twofold. Such refusals are, however, almost unknown.

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man with whom she is involved is punished just as was the first convicted offender. If she has been publicly exposed several times as a prostitute, the men of her *bone* kidnap her, carry her into the mountains, and there kill her and hide her body. No notice is taken of her absence, and if the councillors hear about the affair they pretend not to have done so.

If a woman catches her husband in the act of adultery with another woman, she ordinarily goes back to her own people and tells them of it. The men of her family, her father, brothers, or paternal uncle, may bring the matter up before the councillors and have the husband fined and divorced. In many cases, however, the men of her *vein* persuade the woman to do nothing about it, thinking that to make a commotion would only cause the disruption of the *bone*. In case the woman has married outside her *bone*, whether or not action takes place depends largely upon the respect which her own *bone* has for that of her husband. In any case, the sacramental defilement of the man is not considered as great as that of the woman in the opposite situation.

Blood money. Although murders, woundings, and adultery caught in the act are offenses beyond the jurisdiction of the council of the great and are relegated to the tribal council, one consequence of them falls directly upon the councillors. This is the assessment and collection of the *diith*, or blood money. Whereas the tribal council has the right to impose the fine, the council of the great has charge of compensation to the injured family. This takes place after the tribal council has finished its judgment and punishment. Murder is atoned for by the payment of a sum between one and five hundred dollars. The amount varies from *canton* to *canton*, but within a *canton* is constant and inflexible. Wounds are paid for at the rate of twenty-five dollars a month for each month of convalescence, until the injured man is able to work again.

The man who committed the crime pays, if he is able. If he is unable to raise the money by selling his property, the *bone* pays. In some *bones* the group as a whole always pays, whether the guilty one is able to raise the money or not; in others a man other than the guilty one pays, with the understanding that he is to receive the total of the next blood-money payment to his *bone*.

In the *bones* which pay individually, receipts are given to the children of the deceased, and if he left no children, to his father. Children receive the money on the basis that one boy is equal to two girls. If the deceased leaves neither children nor father, it is divided among the members of the *bone*. Many *bones* refuse altogether to receive blood money, preferring to take it out in blood by killing a member of the hostile *bone*, in which case, after the punishment of the tribal council is finished, the account is considered by the councillors as settled. Frequently the injured *bone* accepts the blood money, then suffers a revulsion of feeling and takes blood vengeance in addition, in which case it is required to return the payment.

Murders within the *bone* rarely occur, and are considered unnatural crimes. No blood money is assessed, because such an offender is instantly killed by his own people if he is unable to escape. A man fleeing such a crime will not be harbored by any Riffian, and must continue until he has left the Rif altogether. Even in this case he must take care to go to some place to which Riffians do not ordinarily travel, lest revenge overtake him later.

Attending weddings outside the canton. Another duty of the council of the great, this time of a bloodless nature, is to attend weddings of other councillors or their sons in other *cantons* or *fifths*. This is done in order to foster friendly relations between the two groups.

776 778 [188] The dead saints generally live on amicable terms with each other, and form a society by themselves. They meet at certain places, as, for example, —

Sidi Ahmed Marrui's qobba among the Ait Waryager.

[190] Of a certain Rif saint I was told that when a man once went to his grave to steal corn he fired off a shot which killed the robber, though no bullet was afterwards found in the dead body. Another Rif saint, Sidi Buhaiyar of the Ait Waryager, is said to make stones fall [681] down from the sky and kill anybody who is guilty of theft, homicide, or any other offence inside his horm; and should anybody attempt to take away earth from the mountain on which Sidi Buhaiyar has his grave, the saint would make him blind.

[196] There are saints who do not allow women to visit their shrines. This is, for example, the case with Sidi Buhaiyar among the Ait Waryager.

778 515 789 [197] The water in which a saint has washed his hands is wholesome to drink, and in Fez people like to wash their hands in the same vessel as has been previously used by a shereef. It is also believed that if a schoolboy drinks the water in which scribes have cleansed their hands after a meal, or the water with which he has cleaned his writing-board, he will more easily learn the Koran; but I have also heard that water in which a shereef or a scribe has washed his hands is only good to drink in case it is done without his knowledge, because otherwise he would object to it (Ait Waryager).

585 778 [198] The baraka of the bride and bridgroom, again, makes a wedding an occasion from which persons who take part in it, and even other people, expect to derive certain benefits. When milk is offered to the bride on her way to the bridegroom's place, she dips her finger into it or drinks a few drops and blows on the rest, so as to impart to it a little of her holiness, and the milk is then mixed with [754] other milk to serve as a charm against witchcraft (Ait Waryager), or poured into the churn to make the butter plentiful (Andjra). The bread and dried fruit which on her arrival at the bridegroom's place is thrown over the bridal box and falls on the ground is picked up by people who want to benefit their corn by putting it underneath the heap on the threshing-floor (ibid.); or the bride throws the barley which is offered her on the people, who catch of it what they can and mix it with their own barley (Ait Waryager).

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of land under cultivation which he possesses; it also assures the collection of the market tax, a small tariff paid by each man to the market *amīn* on the animals and produce which he brings into the market to sell. The money is destined for «fractional» use entirely: upkeep of the market, digging a new well, or for any purpose which pertains to or is of interest to the «fraction» in general. The *shaikh* of the «fraction» is responsible to the *qā'id* for the assessment and collection of this money, while the *qā'id* himself takes direct charge of matters which involve the caidato as a whole. In another building in the market place, the *qāḍī*, also assisted by a *khalīfa*, administers the Sharī'ā, which at the present time has largely supplanted the old Riffian *'urf* or customary law.

This form of government, based entirely on the Arab system, has completely superseded the old regime of the *Aith Arba'īn*, of the *imghāren* (sing. *amghār*), the family and village headmen who, in each «fifth», used to make up its governing body in the days before 'Abd al-Karīm. The powers of the *imghāren*, who also used to meet in the market, were much more extensive than those of the modern «fractional» junta, and included assessment and collection of fines for theft of livestock, for talking to women in the market, for suspected but unproven adultery, and the collection of blood money (*dīyath*). These duties and the unwritten customary law which governed them have all been substantially assimilated by the legal jurisdiction of the Makhzin and by the Sharī'a.

Although in the old days there was no higher body politic than the *imghāren* of the «fifth», those of all five «fifths» used to meet together at a place called *aghrau* (p. *ighrāwen*), the location of of which had previously been announced in the market by the *barrāḥ* or market crier, in case a crisis arose which assumed tribal proportions. In case of adultery caught *in flagrante delicto*, the injured husband had, and still has, the traditional privilege of killing his wife and her lover with exemption from payment of blood money. In case of murder committed on profane ground, the murderer had to pay a fine *(ḥaqq)* of 5.000 pesetas to the *imghāren*, and blood money amounting to 6.000 pesetas to his victim's family, provided the latter chose to accept it. If they did not, as was usually the case, a feud was in full swing inmediately, and the council members, lea-

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ving well enough alone, did not bother to interfere until after it was over, when the number of dead on each side was totaled up and excess blood money was paid to the party with the greater casualties. The *ḥaqq* was paid to the *īmghāren* as well for the necessity of calling them together; but if one of the «fifths» failed to send its delegates to the *aghrau*, it received no money at all. A *sharīf* or *qāḍī* was always present at the peace negotiations to act as moderator, and he and the *imghāren* ate at the expense of and slept in the houses of the *thārfiqth* heads in the vicinity of the meeting site.

However, if a murder was committed on a Muslim feast day or in a market, or at a time when peace prevailed, the *imghāren* rushed in a body to the murderer's house to call him to account for his action. In case of murder on the road to or in the market itself, the *ḥaqq* was doubled to 10.000 pesetas, owing to the market's sacred character as a place of peaceful trade to which came not only Wuryāghlīs, but people from other tribes as well. If the murderer was unable or unwilling to pay this, which almost always meant that he had to sell all his property, the *imghāren* proceeded to burn down his house. (This was the case in the Bay of Alhucemas; among the mountain Wuryāghlīs and in northern Giznāya, a murderer had to suffer both *ḥaqq* and houseburning, the latter as a symbolic act of vengeance meted out to him by the whole tribe in the person of its body politic, for disturbing tribal peace as a whole and for committing his crime in an area which belonged to the tribe collectively.) If the murderer and his family still resisted, they had a war with the assembled *imghāren* on their hands as well as with the dead man's kin. If the *imghāren* and their cohorts won, as they usually did, they burned down the houses of the other members of the murderer's *thārfiqth* in addition, and the latter had to flee to another «fifth», another tribe, or out of the Rīf entirely for a period of at least two years, when, if they made peace overtures in the proper manner, they might be permitted to come back. But the Riffians are a proud people; if they returned at all, it was most often with revenge in mind Needless to say, there are numerous little colonies of Riffian exiles all over Morocco; many Wuryāghlīs and their descendants are to be found both in Tangier and in Fez. It may thus be seen that it was

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to the interest of the murderer and his family to come to terms quickly, for if they tried to go against the council, their days were numbered.

The *imghāren* were the real power in the land, and although the Sultan used to nominate *quyād* (pl. of *qā'id*), these were usually nothing but *imghāren* whose local prestige was slightly greater than that of their fellows. In Aith Wuryāghil, the *Bilād as-Saiba* par excellence, a *qā'id* could not govern in the same manner as he did an Arab tribe; if he tried to institute reforms without having the force to back them up, he was likely to be quietly done away with. It was the assembled *imghāren* of all the «fifths» who dictated policy if the tribe was threatened from outside. They declared war, treated for peace, and contracted alliances with other tribes, and they did so jointly. The Riffians are democratic almost to the point of anarchy, and if any man was considered better than his neighbor, it was only because he had more brothers or cousins to help him out in case a fight started. The excellent description given by Coon of what is apt to happen at the meeting of an *aghrau* affords us a wonderful insight into the Wuryāghlī character.

> «... The locality depends on mutual convenience. Each fifth occupies a section of the circle. A moderator talks to the members until a common attitude in regard to the subject of the meeting is agreed upon. The moderator now having received the instructions of his constituency, he approaches the center of the circle, and the councillors left on the outer ring finger their rifles and express their readiness to defend their spokesman if he gets into a violent argument. They discuss the matter at hand all talking at once or whenever they please, since there is no chief moderator, and for one member to bid another to be quiet would be ample excuse for murder. Moderators of a fifth usually agree within themselves and the argument soon develops into a consideration of how many fifths favor one opinion and how many the other. The moderator of one fifth may lead the moderator of another aside and whisper to him outside the ring, trying to bribe him to come over to his way of thinking. If the second moderator succumbs to this, he returns to the central ring and tries to change the attitude of the other representatives of his fifth. The parley goes on until a unanimous decision is reached or until the councillors begin fighting among themselves

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system of alliances which 'Abd al-Karīm displayed during the early part oh his war was one of the major reasons for his successful unification of the Rīf (16).

It must the stated here, however, that it was unusual for most feuds to become anything more than shootings on a local scale. First of all, feuding kept the population down; sescondly, house burnings and exaction of fines by the *imghāren* were harsh repressive measures in themselves; thirdly, the constant fear of outside invasion by the councillors of another tribe (which occurred wen the *imghāren* of Aith 'Ammarth stepped in on the side of Aith Yūsuf to end a feud between the latter and Aith 'Alī, plus the standard alignment of other «fifths», which had been going on for seven years) tended to restrict the scope of the feud and to prevent it from spreading; and fourthly, individuals who were considered habitual troublemakers and soreheads even by Riffian standards were exiled. If they refused to accept the dictum of the *imghāren* they were unceremoniously put to death.

The above is a reflection of the Riffian political system and situation which prevailed up until the time of 'Abd al-Karīm. The governmental structure of Aith Wuryāghil followed to the letter the true Berber pattern of superimposed representative councils, with a few of the members of each deliberative body being chosen to participate in the council of the group a rung higher up the ladder. Furthermre, thanks to the *liff* alliance system, as Blanco says, the individual in the *thārfiqth*, the *thārfiqth* in the *jamā'ath*, the *jamā'ath* in the «fifth», the «fifth» in the tribe *(thaqbīt*, pl. *thaqbīr*, from Arabic *qabīla*, pl. *qabā'il)*, and the tribe in relation to other tribes all maintain an unstable equilibrium, expressed in terms of the linking of *rubū'* or of «fifths», and ultimately, in the two great rival moieties of Ṣinhāja and Ghumāra (17). As it happens in our particular case, Aith Wuryāghil was (and is) too large and powerful to need formal alliances with other tribes, its only active ally having been Aith 'Ammarth, for, as many old greybeards have told me, «We could still go out and eat Tamsamān or Aith Tuzīn any day of the week»; but for small tribes surrounded by big neighbors, such as Thafarsīth,

(16) Coon, 1951, p. 317.
(17) Blanco Izaga, 1939, p. 70.

114 671 443 182 on the hillsides, bringing the cries of victims and the echo of rifle shots in its train" (LR, p. 19). Blanco's work is shot through with references to the clan (or, as he calls it, fraccion), with its market, as the basic Rifian patria - which of course applies better to large tribes like the Aith Waryaghar than to small ones like the Thafarsith, "Rifian Switzerlands" surrounded by more powerful neighbors.

114 671 [68] By 1960, some of the finer points of the Rifian qanuns or Customary Law documents had been forgotten even by members of the oldest living generation, e.g., such as how much is to be paid if one shoots at a man and misses him, or if one threatens him with a dagger, but does not stab him. Blanco, and to a lesser extent Carleton Coon[28], have both set down many of these common-law niceties; and Blanco's work has the additional merit (and we refer here primarily to LR) of being a translation and an analysis of primary documents, some dating as far back as the mid-eighteenth century. These are invaluable source materials for the long and unbroken period of the Rifian 'Ripublik' (as opposed to 'Abd al-Krim's Dawla Jumhuriya Rifiya, or "Rifian Republican State", 1921-1926, although he only constituted it "officially" early in 1923), which is today only a memory and, according to some, a skeleton in the Rifian closet. However, old tribesmen and even some younger ones who are less sophisticated - and who therefore generally make better informants - still grudgingly admit to admiring it and to looking upon it with nostalgia.

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[113] 28--Cf. Carleton S. Coon, Tribes of the Rif, Harvard African Studies, Vol. IX, Cambridge, Mass.: Peabody Museum, 1931. Coon's data on customary law come primarily from the tribe of the Igzinnayen, whereas the bulk of Blanco's come from their northern neighbors, the Aith Waryaghar.

These jma'ths, the internal lives of which were regulated by the custom governing the original mountain jma'th, continued as tributaries of the latter[133], enjoying the benefits of such a status (participation in the collection of fines, contributions to the fqih)[134] until, as we have seen, the new nucleus, beginning to stand out more and more as a result of its growth, importance and distance from the parent jma'th, succeeded in emancipating itself from the latter through its own discords and ambitions.[135]

But it is difficult to determine at precisely what moment the new jma'th came of age, as it is to determining everything else, even including finding out the designations in nomenclature of its representatives. This designation is not that of amin, as among the Kabyles of Algeria, a word which, taken over from Arabic, is one which does not permit a confusion of its administrative significance, an individual function, with that of the jma'th, which has a collective mqaddim, a term also adopted from Arabic and employed by certain Berber groups in the Western Atlas, for the personage of the mqaddim also has that function as well as the inadmission of that of the shaikh, which more than one person in Aith Waryaghar attributes to himself and which figures even in documents. These terms, however, do not demonstrate any more than the anarchy which the people have attained, and the forgetting of their own racial (sic!) characteristics[136]; as such words among Rifians can have no meaning nor can they be given any importance greater than those of "colonel" and "doctor" in the South American republics. These are strange nicknames (sic), for to the Rifian, as to any Berber, they say nothing if they are to be considered

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114 However, we would still take a somewhat more charitable viewpoint, and question the somewhat ethnocentric notion that a tribal society is any more "anarchical", even in an "organized" sense, than that of a nation-state. In any event, all this terminology is taken from Montagne (op. cit., 1930).

000 20--Blanco uses the term ramo ascendiente, which, in the sense that a jajgu is conceived of as a branch (ramo)--the Rifians employ the term azwar, pl. izuran, "vein", in this connection--of a dharfiqth or or lineage group, is very apt. The use of a term such as "ascending", however, depends entirely on which way one looks at Rifian tribal segmentation: from the bottom up (nuclear family to tribe) or from the top down (tribe to family).

We have found, however, that, except in the single instance of the recitation of their own personal antecedents in unilinear progression to the ancestor who forms the "apex" of the lineage, Moroccan tribesmen invariably tend to give the segmentation of their own tribes starting from the top and working downwards. In the Rif, [631] indeed, this approach to the segmentary system is greatly reinforced [681] by the method of dividing up the fines (r-haqq) imposed upon murderers by the members of the tribal council. The division of such fines follows traditional segmentary lines as closely as possible; in such instances where this is not possible (and they are very few, only occurring in cases of territorial discontinuity among the larger lineages), it follows the next best thing, the territorial system, which is in essence nothing but the lineage system spread out spatially on the ground.

21--The term "canton" is taken from Montagne (op. cit., 1930), and is [634] also employed by Carleton S. Coon, Tribes of the Rif, Harvard African [114] Studies, vol. IX, Peabody Museum, Cambridge, Mass., 1931, p. 91. It [113] is a valid enough designation for the watershed canyon, ravine and gorge-studded districts of the higher mountains in the Rif (Konrad Wiche, "Marokkanische Stadttypen", in Festschrift zur Hundertjahrfeier der geographischen Gesellschaft in Wien, 1956-1956, Vienna 1957, pp. 485-527, also employs the term Talschaften for similar districts in the Western Atlas), but loses its force if one attempts to apply it to the Plain of Alhusaima or the open rolling country of the Eastern Rif.

22--Khums (Rifian dhakhammasth) means "fifth", and is used only in the case of tribes which have five clans or maximal segments, such as the Aith Waryaghar, Igzinnayen (among whom, in fact, this alignment seems to have little functional significance), Thimsaman, Axt Tuzin, Aith Wurishik and Aith Sa'id. Furthermore, when it is said of any tribe that it "has five 'fifths'", this is an implicit admission that the tribe in question is a strong one. For a structural-functional analysis of the "fifth" among the Aith Waryaghar and elsewhere, see David M. Hart, "Segmentary Systems and the Role of 'Five Fifths' in Tribal Morocco", Revue de l'Occident Musulman et de la Méditérrannée, III, 1, 1967, pp. 65-95.

[114] Far more common in Rifian parlance, however, is ar-rba', pl. rurbu', literally "fourth" or "quarter", which Coon (op. cit., 1931, p. 91) has equated with "canton", and in doing so, has noted that,

695 action for public demerit in the "Big Ones" (imqqranen)[42]. The oath
[171] formula, haqq dil-baraka, is distinct from the Arabic formula, although oaths are as important among Arabs as among Rifians[43]. The "Little Ones" (imzzyanen, or minors) do not believe in this nor in anything else, but nevertheless they follow the example of their peers and try to limit themselves to abiding by the decisions and keeping the conventions, although they are usually not the same in both categories.... Proof of this is that if a stranger has to swear, he is obliged to do so in places fixed by local tradition[44].

[562] Men swear during the day, while women swear at night[45]. Jews
[563] were forced to swear by going through the market with packsaddles on their backs[46].

G) Penalties: (fragmentary):

● 681 Berber law does not admit the penalties which Islamic law does
[171] in order to punish crimes (sic)....Rifian law excludes corporal punish-
[697] ment and deprivation of liberty; there are no jails[49A], and in this
562 respect a man's dignity cannot be degraded. On the other hand, it
[855] tolerates maltreatment of women, but because of their status as minors,
[861] being in perpetual childhood, and incapable of taking care of themselves; in the same way, the Rifians do not hesitate to beat their children, if necessary, in order to oblige them to follow "the right path"[48]. Berber women have all the freedom, in truth, that they desire,
[443] and in the Rif they even have their own markets and feasts[49]. The
[574] Rifian male does all he can to protect this feminine society of minors, and he does not enter at all within the limits of his women's social activities.

[49A] [This should read "47" not "49"--Analyst]

681 Berber criminal law admits the death penalty, pecuniary sanctions (i.e. fines), reprisal (i.e. vengeance), despoliation, confiscation and the taking of hostages; but not maltreatment, confinement, talion[50], Koranic capital punishment[51] or mutilation. I should classify Berber sanctions or penalties as follows:

1) Pecuniary or Monetary Sanctions (fines, despoliation, confiscation of property)
2) Corporal Sanctions (death, plunder, taking of strangers as hostages)
3) Afflicting Moral Sanctions (banishment, adverse publicity)

[177] It is very probable (sic) that the Rifians knew of other such sanctions reflected in the Kabyle qanums of Algeria (such as the enforced shaving of beards and mustaches, a hirsute face being considered a manly attribute), but the memory of them has not remained [179] sufficiently clear[52]. It is very doubtful that they would ever have admitted whippings or beatings, or the cutting off of hands and feet for theft, as prescribed in the Koran[53]; for no dharfiqth would ever have allowed one of its members to submit to anything of the sort. Berber custom rejects punishment of this type.

The graded scale of fines is worked up according to the external manifestation of the crime, from its beginnings through its commission, and the coefficient of this scale is both the act and the consequences of the crime in question. But it turns out to be infantile (sic), for the manner in which the crime is committed is sanctioned rather than the basis, or the act itself. Thus, for example, from the time a man threatens to shoot a gun at someone, there is a penalty which increases until the bullet hits his adversary[54].

681 H) Sanctions: Further Notes (fragmentary):

1) Punishment: fine, exile, or death of person responsible, whether an individual or a family group[55].

[671] 2) Gradation: variable, according to stipulations in the various
[672] qanuns[56]. Rifian law recognizes the same degree of responsibility in his accomplices as in the man who actually committed the crime, by assimilating them with his kin group[57].

681 3) Victim: receives no indemnity, except through what he or
613 his kinsmen get as their share of the fine, which is equitably dis-
[591] tributed among all the representatives of the dharfiqin[58], thus appearing more than anything else as a payment for services rendered; and the dharfiqin heads divided it up in the same way among their constituent nubath[59]. Thus, if the Rifian is encumbered with the responsibility of executive power[60] (all are obliged to stand against an aggressor), he still participates in the benefits of such power in a true popular sovereignty, and he never cedes his rights or duties.

000 4) Role of Jma'th in Application of Custom: to influence matters or conceal them, by money, force or politicking behind the scenes. Agrau or assembly of the aitarba'in; assessors and arbiters (tulba, shurfa and imrabdhen); role of liffs (aid to their liff-mates in payment of fines, etc.) (This subsection is completely fragmentary.)

682 In summation, three kinds of offenses were punished:
683 1) murder and woundings, with corresponding fines, and vengeance;

683 2) abuse of women (if voluntary on their part, each party had to
684 pay 50 duros, and if it was purely and simply rape, the guilty man paid 50 duros);

672 it will not answer for the individual, it remains exempt from the responsibilities and aspersions which might fall upon it....A freedom or state of tranquillity (i.e. truce or even peace) which the group could thus regain at such a high price as the public denial of one of its members was only undertaken when there was good reason for doing so (i.e. when a group feared the very certain reprisals of powerful families) and when the inconveniences were greater than the advantages.

Thus it is not the individual alone who is responsible for his acts; for his family, then his jma'th and in the last analysis his tribe will back him up. There is always someone responsible for [681] every crime. He never remains unpunished, nor does the penalty imposed [671] upon him lapse, even after many years. Rifian law is not charitable and it does not beg. It punishes, but it does not pardon; it exacts, but it does not implore. Thus there is an individual responsibility with a complementary and collective one behind it.

672 671 Does this responsibility, then, extend equally to all those who participate in a reprehensible act? No. There is, furthermore, the group (author's italics) exception already mentioned, when a group, by public announcement, rejects what could happen to it in the course of a punishable action committed by one of its members, attenuated by considerations of minority (i.e. if committed by a child or a woman), physical abnormality (if committed by a crazy person or an idiot), origin (if committed by a stranger), day or even hour of commission (see the qanun of the Aith 'Abd Allah, La Ley Rifeña, pp. 45-51), and it is exaggerated if committed at night (as in the qanun of Thmasind, La Ley Rifeña, pp. 37-44), by a stranger or infidel. There is also

000 latter's kinsmen before he can get away. Even in this case, the killer could generally get off if he were able to pay a 2000-duro fine (rhaqq) to the imgharen on the spot, if he was lucky enough to be caught by them and not by his victim's agnates.

[114] [464] [167] 52--Why should the Rifians have been acquainted with the qanuns of the Algerian Kabyles? Granted that Rifian labor migration to Algeria, prior to 1955, was very extensive, it must be remembered that Rifians went to the plains and vineyards of western Algeria (not to Kabylia) to work and send remittances to their families, not to compare notes with their fellow Berbers in Kabylia!

53--This is entirely true, though we know of one case in which, in 1926, after 'Abd al-Krim's defeat, a man from one of the mountain clans of Aith Waryaghar was beaten to death, by order of a lowland qaid from the same tribe, for refusing to hand two rifles in his possession over to the Spaniards.

[171] 54--In the Central Atlas, half ddiyit (blood money to victim's agnates) is paid by a man for shooting at someone else and missing him, but full ddiyit for taking aim and not shooting (E. Gellner, "The Concept of Kinship", Philosophy of Science, vol. 27, no. 2, 1960, pp. 187-204.) In other words, what is punished is the intent to kill, and on this subject Blanco has some interesting remarks to make in the chapter on the qanuns of Dhmasind and of Aith 'Abd Allah in La Ley Rifeña (pp. 41-3, 47, 50). In the Rif, however, this is manifested in a different way under different circumstances: ddiyith is paid to the victim's family, under normal conditions, by the killer, who must also pay rqisas to the victim himself in case of wounding. The amount of the ddiyith is anything up to 1200 duros, while that of the rqisas, depends on the nature of the wound. However, there is no question at all of either ddiyith or rqisas being paid if the intended victim has not been harmed. This is the case if the attempted murder has taken place outside the market; but if it has taken place on market day and within the market (even though there is again an exemption from ddiyith and rqisas) the rhaqq or market fine must be paid in full (2000 duros) to the imgharen, because the would-be assassin is an amsasar (pl. imsasaren) or trouble-maker who has knowingly tried to "break" the market by flouting its regulations.

• 681 682 696 55--In case of murder, only the murderer himself went into exile. He did so immediately after the crime, so that he would not be killed in turn by his victim's agnates. Exile meant that he sought refuge, as an adhrib (pl. idhriben), (derived from Arabic talib, "enemy") in the territory of another tribe, whose members sheltered and protected him until such time (if ever) that he could go home. On occasion, as [613] Blanco suggests, whole lineages have been forced into exile; Coon, in Flesh of the Wild Ox (pp. 74-108), gives an example from the Igzinnayen. However, this particular instance was the result of a decree of the Aitharba'in after a long and bitter feud; and as such, it was exceptional. The rule was that only the murderer fled; he was not accompanied by nine of his agnates, as in the Central Atlas (even though these latter returned after three days in order to start making overtures for payment of ddiyit to the dead man's agnates).

5: Blanco Izaga G-4,5 (1914-1945) 1975 MX3 Rif MX3
Aith Waryaghar

681 682 696 [782] A murderer in the Rif had to stay in exile until such time as his victim's family would consent to accept bloodmoney, and this generally meant at least one or two years, by which time their desire to kill him might have cooled down. If they were eventually persuaded to accept this sum, the murderer's own agnates, at home, went to them and, in the presence of a holy man, sacrificed a goat to them. After the goat was eaten, the terms of the ddiyith were discussed and arrived at; and only after it was paid could the murderer return home. Furthermore, if he had committed his crime on a market path or in the market itself, on market day, as aforementioned, he had to pay an entirely different sum (which Blanco often confuses with the ddiyith), the rhaqq or market fine (called r-insaf in the Eastern Rif), consisting of 1000 duros for murder on a path leading to the market and 2000 duros for a murder or any other offense grave enough to upset the peace of the market, in the market itself. This fine was only levied on market day, and payable to the imgharen of the market. (If a murder was committed away from a market path or from the market on a day other than market day, there was no question of fine-paying, which was instituted purely to keep peace in the suq.) It could be paid in money and/or in kind, and it usually meant that the murderer had to sell the bulk of his property to raise the necessary sum, which he handed over at the same time as he did the ddiyith; but if he could not or would not pay it (and it was a sum which was prohibitively high), the imgharen descended on him in a body and burned his house, trees and fields. In addition, many people refused to accept the ddiyith, which meant permanent exile for the murderer. The imgharen, however, could not touch his property as long as he was in exile; though he was expected to pay in full if his victim's family relented and let him return. However, a murderer whose opinion of himself was so elevated (and there were many such in the Rif) that he refused to flee, refused to pay the ddiyith to the dead man's agnates and (perhaps worst of all) refused to pay the rhaqq to the imgharen could expect no mercy; he was attacked by the enraged kinsmen of his victim and by the council members whose authority he had flouted, as well--and the feud was on. His own agnates, under these circumstances, if they helped him (as they always did) could also expect to have their own houses and property burnt to cinders.

682 443 [114] 682 628

681 682 56--There was some variation for minor offenses, but the fines for murder, always with the same careful stipulation of time and place of commission (market path or market on market day) were absolutely standard throughout the Central Rifian area.

[671] [114] [024] [628] 57--There is some disagreement on this question. In the qanun of the Aith 'Abd Allah, cited by Blanco in La Ley Rifeña (p. 47), it is expressly stated that if two people commit a murder on a path leading to the market, each of them is fined 1000 duros. Our own informants, however, stated that the number of people participating in a murder is immaterial; what counts is the number of dead, each one of whom is assessed at either 1000 or 2000 duros, always according to where the murder took place, a head. In the same way, after a feud is over and a truce has been arranged, the number of dead on each side are counted up, and the side with the greater number receives excess ddiyith from

681 682 [628] 000 the side with the lesser. (This last piece of information comes from some of the lowland clans of the Aith Waryaghar, and the highlanders of the same tribe deny it.)

58--The victim, if he is alive, receives the rqisas, and, if dead, his family gets the ddiyith--if they choose to accept it rather than take up their guns. It is barely possible that in the division of the rhaqq by the imgharen along segmentary lines, the victim's family might receive a tiny fraction of the total, although the chances are strongly against it. The rhaqq almost always goes into the pockets of the imgharen themselves, and when we say that it is divided along segmentary lines, what we mean is that it is the imgharen of each segment and subsegment, rather than the rank-and-file of either, who are the real beneficiaries.

However, this is not really the point, which, in any event, Blanco [682] has missed entirely. The point is that a murderer pays bloodmoney to his victim's agnates and a fine to the council members (the latter only if the murder has taken place in the market or on a track leading to it).

[114] 59--Blanco is theoretically correct in saying that dharfiqin distribute their share of the fine to the nubath making them up (although in practice this almost never occurs, as the money which filters down, through the normal process of division, goes no further than the lineage heads!); but it is surprising that he does not start at the top levels of segmentation, the clans, as the imgharen themselves did, and work down from there (though even at this level the imgharen tended in practice to pocket the fines).

[114] 60--In this term, el poder ejecutivo, once again, we have a formalistic European notion, which, though certainly accurate in one sense, nonetheless ill befits the essential informality of the tribal council members who convened in the market to discuss the week's happenings and to assess, equally informally, any cases which came to them.

61--It may be stated categorically that such Qur'anically-inspired punishments as putting out a thief's eyes were completely unknown in the Rif and in the rest of Berber Morocco.

[839] 62--Though it is probably of frequent occurrence elsewhere, bestiality [838] is not common in the Rif, and those who do practice it are always the object of derision. Furthermore, the Rif is probably one of the few regions of Morocco where homosexuality is nonexistent.

[113] 63--These notes of Blanco's on hunting are extremely fragmentary; for fuller information on Rifian hunting practices, see the final chapter in La Ley Rifeña on the hunting qanun or qanun r-rayah, as well as a recent summary of the same material in R. P. Esteban Ibáñez, "El Derecho Consuetudinario en la Sociedad Bereber", Institut International de Sociologie, XVIIIe Congrès, Nuremberg, 16-17 September 1958 [114] (mimeographed). Our own impression of Blanco's data on hunting is that although very complete, his description is at the same time unnecessarily complex.

64--In the Jbil of the Aith Waryaghar, hunting may take place on any day of the week.

634 If the matter is one of
623 imposition of a fine, the deliberations are rendered longer, through
614 haggling, and more methodical, because in such an instance custom
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692 decrees that half of it (i.e. the fine) goes to those who impose it,
681 the chiefs within the small circle, and the other half, to the injured parties and their kinsmen (the sector, or the whole big outside circle).[2 & 3]

1) War:

634 a) Declaration:--War surges up frequently from agraw meet-
619 ings; at times, a meeting terminates in rifle shots. This may not be
614 a very politic declaration, but, equally, it is not a very rare one.
623 ....Ordinarily, the separation and departure of those who have come
628 together and convened at a council meeting without having arrived at
721 any agreement is considered tantamount to a declaration of war, which all the threatening components hastily retire in order to prepare.... Only the later intervention of new emissaries can put off hostilities. This in itself is uncommon, because from the moment the meeting is theoretically over, disputes and quarrels begin in fact, and the life expectancy of such emissaries would thus become extremely slight.

628 b) Fighting:--Usually the plan of attack is instinctive,
721 logical and clear to all: the accusers, being warned and prepared beforehand, are the attackers and take the offensive, while the accused,
(624) surprised by the result, are on the defensive. No war chiefs have been previously appointed. The objective is clear and simple for every combatant, namely, to exterminate the opposite group and take over its property. Very soon combat parties are drawn up, through reasons of kinship, friendship and geographical proximity; at night,

671 al-Faqir Siddiq al-'Arusi, Muhammad ibn Tahra, Sidi Musa ibn al-Hajj
628 Sayyid 'Amar Tahtahi, Muhammad bin Bu Hammud Mulaidi; al-Hajj Sidi
613 Misa'ud al-Manduri; Sa'id bin al-Hajj Haddu al-Ufari, Muhammad bin
682 [792] al-Faqir Muhammad bin al-Hajj Ahmad al-Barzi, Muhammad Bu Shu'an, and the rest of the notables of Tzurakhth (Blanco: note 11) sold all that was handed over to them to the brothers of the murdered man for the above sum, converting it into money.

(Blanco: note 12) The amount stated above was levied and the quantity (literally, price) was divided into four parts: 300 duros for the lineage of Izzugwaghen; the same for the Awlad al-Hajj 'Amar; the same for the Awlad Muhammad bin Muh bin al-Hajj Muhammadi al-Tazurakhti; and 150 duros for the Awlad Ahmad bin Taimunt (to be split) with Muhammad bin Tah, and the same for Muhammad bin Taimunt bin Misa'ud (to be split) with the Awlad Hammu Kabghith. One hundred (100) duros were divided in half between the son of Bukhalif, that is, Siddiq, and 'Abd al-Qadir Hashsha'.

(Blanco: note 13) Each of the abovementioned parties shall divide with its brothers (i.e. those of the same jurisdiction) the amount which it has exacted and with regard to the quantity of the same.

671 An irrevocable and non-retractable sale, effected (Blanco:
628 note 14) for repression and exemplary punishment. The sellers having
613 levied the total of the abovementioned sum, in the upper part of the
681 present qanun, from the hands of the buyers cited above, thus liberating
432 the sellers from all actions or reclamation regarding this matter and the above-cited buyer thus occupying (the lands) instead of the sellers, as his share. That is to say, occupying the place of the owner in the land, of the land which he buys and that of the owner of immovable

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property in that belonging to him, in conformance with traditional law.[25]

695 Those who attended the present (act) brought their testimony to the above according to the requirements of the interested parties.

805 --In the middle of Jumad al-Awwal of the year 1336 (February 27, 1918). --The 'adl, Muhammad bin Muhammad bin al-Hajj al-Warnuri.--Another, whose name is not known.--Another, Muhammad bin Sidi 'Abd al-Qadir al-Ghazri.

B) Commentary:

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The social disintegration which Rifian society has reached is proven by these individual agreements between dharfiqin (Blanco: note 1, corresponding to text of qanun). In the face of helplessness or irregular functioning of higher-level associations, the poor tribesmen, before falling into complete anarchy, hastened to conclude an agreement with a neighboring group in order to attenuate that anarchy, succeeding in the hard struggle for life on a poor soil. These agreements thus formed true islets of irregular and variable peace, anchored in functional (sic) anarchy.

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The necessity of agreements between lower-level lineages, who were abandoned by the rudimentary organization, obeyed, according to my understanding, those most curious periods which followed the public declaration of anarchy in the suq, when one powerful group managed by force to sustain the punishment, breaking the truce.

614 As the dispute was generalized between two preponderant rivals, the unaffected groups, before falling into anarchy, and with that notable instinct of self-defense, worked to bring about these agreements,

This proves what has been said
554 regarding the treatment of social organization in connection with the
671 ascendency and distinctiveness of the clans, of the suq, a true par-
614 liament, which is attended by the most outstanding men of the clan,
62 tacit or vocal delegates of the jma'ths who form an aristocracy known
623 as the Aitharbi'in, whose circumstantial attendance in some cases
619 forms the agraw, the directing assembly and organism of the tribe.
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614 This also serves to confirm our opinion that in the Rifian
671 area it is not the tribe which legislates and executes, but the clan,
[619] through its leaders, who parley in the market. It is thus the clan
[554] and its representatives in which all powers are concentrated and only
in case of a decrease in strength do they pay heed to the rest. The
Rifian clan is thus a truly autonomous state. It makes the law and
[681] executes it. Look, for instance, at the division of the fine, how
not a single céntimo goes to the representatives of other clans, even
if they are of the same tribe.

681 Notes 11, 12 and 13, which deal with the division of the fine,
[628] prove many of these notions. The victim or his family does not benefit
from it, for from the beginning his business is individual; a member
of his family (i.e. one of his agnates) will already be designated to
671 avenge him. The law does not punish more than the violation of the
pact, indemnifying those who remain faithful to such violation and saw
628 to its fulfillment. For this reason the perpetrator and his family
[672] (agnates) are punished, while all those who intervene in the service
of justice benefit, for they or their representatives carry it out.
If they get no money, as such, for such services, nobody would be
interested, for in carrying them out, he would not be bothered to

695 Valid and complete testimony in virtue of which both instrumental witnesses bring testimony against them.

600 (Two illegible signatures follow.)

692 At the same time, they agreed that whoever should commit any of the wrongs (literally, "things") expressed herein, the case, together with him (the man who committed it) shall be taken to Sayyid Mhammad bin Musa[32] and Sayyid Ahmad bin 'Ali[33] (Blanco: note d).

685 Whoever enters an orchard with intent to rob shall pay 20 uqiyyas. If a bull should start to trample property adjacent to that 685 of its owner, the latter shall pay one peseta. 672

The guarantors (of the fulfillment of this agreement) are three. The Muqaddam Muhammadi bin Muhammad bin Ahmad, Hammu bin Muhammad bin 'Ali bin 'Abdallah, and Muhammad bin 'Umar bin Ahmad bin al-Hasan (Blanco: note e).

[681] Regarding the amount (of the fines imposed) with respect to orchards in cases in which they are injured by animals, this will be donated to their mosque (Blanco: note f).

If they should break a branch of a fig or other tree belonging to anyone, the owner of the animals will pay 20 (uqiyyas).

600 A signature in Arabic follows, which appears to be al-Bu Jma' bin Muhammad (signed).

B) Commentary:

671 The reading of this qanun clearly indicates in its first paragraph the names of those who have established it, all of them members 621 of the jma'th of Imhauren, bordering the Island of Alhucemas, in the 621 plain of the same name. Every two or three headmen or iziddifen (sing., 613 554 aziddif, "head") are the visible representatives of the lineage groups

623 Thus public
182 esteem and the ideas which such deeds provoke in others are regained;
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687 they satisfy the mass of the people without having to resort to cru-
685 elty, for.....in a truly humane feeling, note c in the text shows that the author of the crime must have been caught in flagrante delicto.
627 Discounting possible vengeance and not very sure of having succeeded in
623 doing so, note e in the text shows the institution of a popular tri-
554 bunal formed by two neutral individuals, two men who neither take part
671 in the agreement nor are members of the jma'th, but the fact that they have prestige in it is a maximum guarantee of the workability of the qanun in question.

623 Furthermore, the jma'th as a social unit is personified not in
621 its mqaddim, in the Arab manner, but, hostile to personal power, in a triumvirate formed by three of the legislators who took part in the meeting and who remain obligated to watch over the fulfillment of the agreement. This executive organ of power is made up of laymen, and it as much as the aforementioned tribunal is the result of popular election.

671 In the few lines which this qanun has, aside from creating a
624 a code, a tribunal and a police force, all of which are, naturally,
182 gratuitous, it creates a rural exchequer, and all this with a good, natural and admirable feeling.

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671 It restricts, through fear of fines, damages to the small social
626 unit it represents by guaranteeing the safety of property and discard-
681 ing cravings for economic expansion at the expense of member lineages.[35]
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671 It creates lineage authorities whose jobs are gratuitous, and,
613 always suspicious, it avoids concentration of power in the hands of one
661 person, a fact which permits neither a shade of tyranny by the latter
182 nor a bastardization of his office.

000 671 182 628 681 nor a bastardization of his office. It creates guarantees for the accused, protecting him from bloodfeuds; it indemnifies the social unit, the subclan of Imhauren, from injuries caused by some of its members, so that when the fine is donated to the habus of the village mosque, through the particular conceptualization and application of these funds in the Rif, a part of the money always came back to the jma'th in kind; and the eagerness for a reward, as among participating European functionaries, who multiply the fines by increasing their investigations and denunciations in proportion to their needs, was discarded.

671 681 627 It has--and why not?--among its other defects one which is certainly a simple defect in editing, although the frequency with which it is repeated makes this doubtful in several cases. The intention (author's italics) (Blanco: note f, in text) is punished, but how can it be proven? According only to the prudent arbitration of the popular tribunal formed by the two aforementioned individuals. A bad business.

671 621 623 614 182 Curious and noteworthy is the palpable demonstration of this municipal letter, of this qanun of a jma'th, which is careful not to overstep the bounds of adjacent institutions, such as those of personal status law (inheritance, etc.) or of those handled by the immediately superior social unit, the clan, with its qanun approved and drawn up in the markets (murders and woundings, etc.), a fact which reveals the interrelationship and interdependence of the different social units, and even their institutions and how they function.

671 627 182 This qanun is limited, logically, to neighborhood questions, among which there figures in first place that of public security (espionage)[36] and secondly that of property.

623 the imposition of minimal social obligations (education and hospitality), the equal division of duties and work, and, finally, nomination of a man to represent the jma'th and to see that local law is enforced.

This jma'th and its representative were legitimate organs of the people, an authentic and faithful reflection of the feeling and convenience of its members, live and efficient organisms. Today a 623 179 182 rigid Arab framework and its imposed and despotic representatives has submerged the jma'th, without any alternative other than the hatred or scorn of its members, according to whether the chief is a tyrant, or a slave to his needs or whims.

436 For an analysis of the proportioning of the punishment, it is 681 well to know the equivalents of the Rifian monetary system, as follows:[41]

Mithqal--2 Spanish pesetas

Bsita--0.60 Spanish pesetas

Rbi'a--0.50 Spanish pesetas

Uqiyya or Spanish onza, "ounce"--0.20 Spanish pesetas

Ujjhain (two muzunas)--0.10 Spanish pesetas

Muzuna or Spanish blanquillo, "little target"--0.05 Spanish pesetas.

With these data to hand, we may now establish the framework of 681 673 fines which occur in the qanun commented upon, in the following order:

Theft by day, of cereals or fruits (figs, etc.)--100 pesetas

Theft by night, in the orchards or gardens--20 pesetas

Threats with firearms--20 pesetas

Thefts by day, in the orchards--10 pesetas

Threats with knives or daggers--5 pesetas

Damages to dams--5 pesetas

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Recalcitrance toward hospitality--5 pesetas

Disobedience to other agreements of the iziddifen--5 pesetas

Incompletion of contractual obligations to the schoolmaster--2 pesetas

Damages to irrigation ditches--2 pesetas

Damages caused by animals in land just sown--0.50 pesetas

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An examination of this graded scale shows us with evident clarity the importance which the jma'th attributed to acts committed against it, those against property emerging as the gravest and most feared; for the property of the jma'th was its support and sustenance, and its members placed the strongest penalty upon possible theft of its scarce food reserves in order to avoid such temptations.

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The principal obsession of the jma'th as an institution is, then, the defense of its property and the avoidance of agressions among its members (author's italics), whose simple intention (author's italics) it punishes, in order to avoid quarrels.

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Although rudimentary, it aims to fulfill the defensive needs of the whole social unit. It is not warlike, nor is it in the least religious, if we consider the very slight importance which it concedes toward sustenance of the fqih (two pesetas of the fine).[42] It is purely and simply a social unit which places much more importance on the duties of hospitality to guests, for example.[43]

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But it is humane. There are no lashings or mutilations, as instituted by Muslim law, with or without Qur'anic ceremonial; nor is there any deprivation whatsoever of personal liberty in the manner of European codes. Neither is it proud, converting the legislators into demi-gods, thanks to immunities and other profits....It aids them to

623 554 legislate, but it is not maintained by conferring distinctions on them, converting them into a caste, nor by giving them stipends for their work. For this same reason, the council-members have, perhaps, greater esteem among their neighbors. On the other hand, the jma'th punishes [581] disobedience to its decrees, but it does not impose a penalty on those who disobey the shaikh, who is simply a representative of the people with outside denomination expressed in writing (i.e. in Arabic), in view of the difficulty of expressing this in his own language.[44] That [622] he is a simple titular and outside arbiter is shown by the fact that his function, in Arabic terminology and organization, would be that of a mqaddim.

This qanun is an excellent example of the beginnings of a 607 554 623 trend toward personal power concentrated in a single individual, the [578] shaikh, charged with the representation of the jma'th and the execution of its agreements;.....and we may perceive indistinctly the intrigue and the deaf struggle between this personage and the rest of the community, who are jealous of his attributes. In the first draft, the document is declared valid (Blanco: paragraph f, in text); but in the oversights pointed up in the re-reading of the document, and certainly at the shaikh's request, they consent to the fact that obedience to him be recommended in the addenda; but they have been careful, in the preceding paragraph (paragraph i), to state that only they can make resolutions or define crimes and misdemeanors through enforcement of law and punishment, always granted, of course, that such enforcement be useful (author's italics); but neither the shaikh nor anyone else can invent or contrive more than his council, because only they are capable

671 554 623 of knowing the needs of the moment, not past or future needs which do not mean anything to anybody. They are living laws designed for living people, for those present.

671 672 Paragraph b shows us how they embellish their law, taking aggravating and attenuating circumstances into account. Among these are nocturnity and dwellings (where they guard their fig and grain reserves). [682] Attenuating and, even more, exemption from responsibility, homicide is legitimate if committed in self defense or in defense of one's property.

● 681 554 661 671 Paragraph c punishes intention, in order to avoid disputes, and makes a small concession to personal power, permitting the shaikh to keep for himself this fine destined for the common fund.

685 672 671 Paragraph d is concerned with injuries to crops by animals, which are herded by children. The punishment is minimal.

671 623 574 In paragraph e, the law of the jma'th establishes and regulates the social duty of hospitality, imposing the burden equally on all its members. Guests learn that it is not only the shaikh who pays for their upkeep, but all the members of the jma'th, even the poor ones.

623 574 Consider also the excessive number of voluntary servitors who dance continued attendance on the guest with towels, basins and soap, and finally the amphitrion hands over to their expectant voracity all the remains of your meal, except for one small dish which, passing through the door, is submerged in the mysterious interior of the dwelling as a reward for the activity of the women or children who prepared it. When you leave, each member of the jma'th retires with whatever he presented for your comfort: pillows, blankets, soap, coffee pot or teapot, towel, glasses, candles, etc.

6. QANUN OF THE AITH 'ABDALLAH[45] (AITH WARYAGHAR)

A) Qanun:

671 Praise be to the One God. The will and eternal power of Our
443 Lord having decided thus, the congregation--in the Tuesday Market
[778] (Suq ath-Thulatha) (situated) at 'Ain Tihalalin[46], in the vicinity of (the tomb of) the holy emanator of blessings Sidi 'Amran[47]--of its owners, those of the clan of Bani 'Abdallah. (The latter) convened
623 (in the abovementioned market) with the idea of coming to agreement on
443 their criteria and on the purity of their actions in behalf of the
692 common good of all; and, as a consequence, they decided the amount of
681 the fines to be imposed inasmuch as there should occur within the abovementioned market, or, indeed, outside it on the path (which leads to it), (Blanco: note a) incidents, premeditated or not, through error or imprudence, such as woundings and murders (which might happen) through gunshots, knifings, strangulations and stonings, (or, indeed),
682 pillaging and sacking. (Blanco: note b) To anyone who kills in the
443 interior of the market and is caught (literally, "had"), rashsha' shall
[696] be applied to him (i.e. he shall be shot). If he has not been captured owing to having fled to another tribe (literally, "other tribes"), (they shall impose upon him a fine of) 2000 duros and his house shall be burned down to its foundations. (If he should kill) on the path (which leads to the market) he shall also pay (a fine of) 2000 (duros). Who-
683 ever should wound (another), (he shall be fined) 1000 duros. Whoever (shoots) and misses (his target), (he shall pay a fine of) 500 duros.
682 (Blanco: note c) Whoever of the Bani 'Abdallah should commit murder on Tuesday (i.e. on market day, the day of the suq) within the

682 limits of his land (i.e. within the limits of the clan territory of the Bani 'Abdallah) shall pay (a fine of) 2000 duros; (this shall be the fine) if he committed the deed alone; but if several (men) committed it, each one (shall pay a fine of) 2000 duros. Whoever should take
687 683 justice into his own hands (literally, "ransacking to collect a debt") shall pay 50 duros, and the same for whoever should attack another on
689 the path. Whoever should provoke an incident in the market (shall pay) 10 duros.

683 (Blanco: note d) Whoever should unsheath a dagger, making it glitter, with intent to attack (literally, "injure"), shall pay 5 duros. Whoever should wound the head of another with stones (shall pay) 5 duros. Whoever should attack another with a stick, causing blood to flow and provoking a scandal, (shall pay) 15 duros, and if he should not cause blood to flow, (he shall pay) 10 duros.

613 (Blanco: note e) Whoever should come to the defense of one of
681 his brothers (i.e. agnates) or of any other person, as is customary among those of the same party (i.e. same lineage), (shall pay) 5 duros.

681 (Blanco: note f) No request (for pardon) shall be listened to, nor shall mercy be granted to any of those who have incurred the above (punishments).

805 (Blanco: note g) For the application of what has been made
443 manifest above, it shall be considered that Tuesday begins at dawn and ends with the sunset; this is to apply to them (those of the Bani 'Abdallah) and for strangers (regarding the application of the above), market (day) shall be considered as having a duration of three days.

695 With regard to the above, the testimony (which both 'udul)
693 registered took place, the witnesses being in a perfect state of legal

671 This proves
182 that Rifian law tended to satisfy a need and not an ideal, as we have
443 just said; for further on, the qanun of the Aith 'Abdallah points out
796 a truce to be held on a given day, on Tuesday, the market day, and not on Friday, the religious day and the day of attendance at the noon prayer in the mosque. The day of peace is thus a layman's day.....

671 The law is simple. And hard. And sufficient to be encrusted with obligatory relief in the most refractory cranium of a believer, an objective impossible to obtain among modern societies. Nobody pretended ignorance, as all are wont to do or swear today.

There are neither aggravators nor attenuators, only consummate (and consummated) acts.

Paragraph a: They discount intentions, so difficult to prove and needing so much patience to investigate. They attain results more [681] easy to prove and more quick to sanction (i.e. castigate) and be sanctioned, in conformance with their rudimentary law.

671 Paragraph b: A hard punishment; the liquidation of the mur-
682 derer, with the loophole that after his flight, the law may fatten on him. But it does not give a heavy punishment to his agnates, although it avoids impunity. It does not cease to be more humanitarian than other analogous qanums, if indeed this custom is followed in reality.
[681] The gradation of fines is simple and even attempted murder is penalized.

671 Paragraph c: A typical example of the fact that Rifian law is only concerned with the external manifestation of the crime.

[681] Paragraph d: And so that the gradation of the punishment follows that manifestation as a shadow does a body, from the time that it is initiated.

685 In the same way, they agreed to impose fines for all damages or injuries which are caused, such as theft, etc.

Whoever should steal a sheep or a goat shall be fined 10 duros, and whoever should steal barley, broad beans, etc., from someone else's land shall be fined 5 duros.

681 In summation, all injuries or damages caused by one of them (the Bani 'Adhiya) against another (of them), a fine shall be levied from him, whoever (the party guilty) of the injury or damage may be.

671 In accordance with the above, their declarations were put down, as they have been expressed and explained. Valid and complete testimony. The parties who took part in the present agreement know [693] the value of this agreement, and because of this, both the undersigned notaries testify to what is set down and to the fact that they (the Bani 'Adhiya) are in a perfect state of legal capacity (of sound minds and memories) and that they are known (personally) to them (the notaries).

805 On the second day of the divine month of Jumad ath-Thani of the 600 year 1332 (April 28, 1914). Servant of his God, may He be glorified, 'Abd as-Salam bin 'Abdallah at-Tafrasti, may God be benevolent toward him. Servant of his God, Muhammad bin 'Aisa at-Taxurakhti, may God be benevolent toward him.

671 B) Commentary:

This synthetic qanun of the Aith 'Adhiya, drawn up in conformity with the dictates of the purest tradition, contains within it suggestions analogous to the rest of the documents which we have studied.

[771] It is a pact (author's italics), by which those who have agreed on it must in future regulate their coexistence and traditional

671 771 law, a lay law ignorant of religion even though it speaks of the Sacred Book, the irregular application of which, in such a recent and turbulent period, leaps into view, proving that Rifian Islamization is superficial.[57]

671 182 [778] [782] [779] [514] This pact combines all the pleasant conditions of the Rifian appetite. It is verified in the habitual place of reunion for transcendental acts, taking place under sacred protection, in addition to lubricating the agreement with the heathen rite of blood sacrifice, the Islamic promise of peace, and the feast day for the sober Rifian, an enforced vegetarian.[58]

671 182 614 619 It brings together the mass of the Aith 'Adhiya, a subclan of the khums (Rifian thakhammasth) of Aith Bu 'Ayyash; and democratic practice advises this mass not to mention the name of any individual in writing, as this might presuppose questions of distinction and preference, swelling their heads.

671 182 628 681 [511] It establishes the ddiyith[59], fixing it at 2000 duros, the maximum sanction which it is worth pointing out and imprinting indelibly in the minds of those who attend. This is a fabulous amount of money for the economic means of the people to whom it relates; and it is accepted as much out of the respect which radiates from it as from being generally admitted in analogous pacts of which they have news in neighboring districts.

671 628 681 184 443 It must be pointed out, in order to avoid the confusions which can arise from the different editorship of the qanuns, that the real ddiyith, or blood money (author's italics), does not, in reality, differ anywhere throughout the Rifian mountains, and must be valued at

671 628 681 184 443 1000 duros[60]; for the double amount of 2000 duros which appears in certain qanuns refers only to a single case and to the place in which the crime is committed--the suq, or tribal market.

681 619 443 In this single case the 2000-duro fine is imposed, and the reason is simple: the crime in these conditions and in this place reaches out to attack not only the prestige of the tribe but the common interests of Rifian society, and endangers them gravely; for, naturally, when news of the crime is spread by the regular constituents of the market, this keeps away the merchants from other places who have received word. This, in turn, brings about a commercial blockade (author's italics) of the tribe, which originates from insecurity of persons and property; for rare is the occasion that the tumult which murder and woundings bring about does not end up in pillage.

681 For this reason the Rifians saw themselves obliged to cut down rigorously and to threaten with heavy sanctions any crimes of this magnitude and kind, the gravest in the society. The ddiyith[61] is 681 628 682 614 619 443 613 therefore doubled in this case. We have here the reason, distinctly made, why, in my opinion 1000 duros must be established as the fine for homicide (a sanction which the clans of the Aith 'Abdallah and the Aith Bu 'Ayyash both establish and which we encounter in the ribat, or agreement, which allied such tribes as the Sanhajans of the Aith Siddath to the Aith Khannus, and the Bni Gmil to the Bni Bu Frah), and a further 1000 duros for homicide committed in the market; for the damage and disturbance affect not only a single lineage, but are prejudicial and shameful to the whole tribe, which by virtue of the laws of reprisal and blood-vengeance must fatten on any man who forgot his duties or obligations to it.

628 After the fixing of the ddiyith[62], there is the most laborious
671 agreement and the most hurried need for its enforcement; and the rest
673 of the resolutions have no objective other than that of embellishing
681 this, establishing a graded scale in conformity with the external manifestations of lesser crimes, which the Rifians did not deem necessary to put down in detail in their qanuns, in order to facilitate an easier mnemonic retention of the principal transgressions and resultant fines.

671 It points out theft with an admirable simplicity, according to
685 what is stolen, and it doubles the fine for a rustler of domestic
231 animals, a fact which follows the logical economic notion of the
556 Rifians of presenting such animals as the most esteemed source of wealth, as among nomad tribes.[63] It should be remembered that in the
178 old Rifian society, the consumption of meat was limited by the scarcity
262 of pasturage to Fridays, the holidays and by physiological needs, and
231 was regulated by the common sacrifice of animals and by compensating
224 hunts on fixed days.

If the meat supply diminished and they considered it indispensable, it would be completely natural to take precautions to preserve it.....For precisely this reason the Rifians judged the theft of
685 animals as a greater crime than that of grains, and sanctioned it ac-
673 cordingly.

671 8. QANUN OF THE AITH KHATTAB[64] (AITH WARYAGHAR), ESTABLISHING THE WEDNESDAY MARKET, AND GENERAL QANUN

A) Qanun:

Praise be to the One God. When peace reigned (literally,

671 surprised Raisuli so much later on[78] when he saw their warlike pro-
554 clivities, were employed in an executive capacity so far from their
693 real profession.

671 If we consider the time in which they were drawn up, quite
779 recently, this would show us these apparent confusions as a more advanced state of Islamization.

671 Going further in the reading of the qanun, we notice a confused editorship or translation in the examples which it gives us. We do not know if we are commenting on a qanun, the Rifian penal code, or a shooting match. Why is it that if a man wounds someone in attack, he must pay a fine of 100 duros, and if he misses him, he must pay double that amount? Because of his poor markmanship? But then instead of limiting aggressions, of tending to diminish damages and injuries to the individual and to society, were the Rifians thus impelled to aggravate them with this exhortation to perfect markmanship, a stimulus to murder? Undoubtedly there is much confusion here, and I myself am not certain how to explain it.

671 683

681 Common prestige and experience arm them and cause them all
443 to watch over and keep their guard against each other, stipulating the severest punishment, above their own individual interests, for those who attack in the market. They consider this a crime against the tribe, the worst crime in Rifian society, which is paid with violent death, without admission of the compensation which another qanun of the Aith Waryaghar[79] mentions, although this does not do so.

[619] [673]

671 This qanun also shows us a very curious aspect of Berber society, in general and of Rifian society in particular, as we have commented above.

562 commented above. Two societies live together in perfect harmony among
671 the Rifians: the masculine and the feminine. To the latter, as in most modern societies, it reserves free and sure places for women to gather, the legitimacy of which is expressed in this qanun establishing sanctions against intruders, a fact which guarantees the tranquillity of both the ones and the others (i.e. of both women and men).

562 This persistent and good custom is no less faithfully observed
183 today, and within the last ten years (ca. 1930) there has been only
794 one attempt to go against it, made by a young t[illegible]b of Ibuqquyen, soon
443 discovered under his disguise by the women themselves (after entering
689 the Monday Women's Market at Azghar in Aith Waryaghar), who handed him
178 over to the mkhazniya services, and from there he was sent to jail at the administration office of Izimmuren (Ibuqquyen). The women's
562 markets are still held in the same places and on the same days as they
443 were hundreds and thousands of years ago.[80] The Aith Waryaghar, very
178 attached to their traditions, reserve and guarantee for their women
183 special meeting places, a fact which speaks highly in their favor. Other tribes have now lost this custom and today there remain only the names of the places in which these women's markets were held.

671 In the qanun discussed here there can be discerned a body of doctrine, a community of ideas, an analogy of customs which is precisely what forms the so-called Berber Bloc, with needs and identical means of remedying them. The details may vary, as may the amount of
[184] the fine and its order in the drafting of the qanun.....but the funda-
[681] mentals, the acts which they considered reprehensible, those which merit punishment, did not vary, nor did the recording of the qanun and the proportion, in context, of the fines.

Fines to be imposed:

Harka members: for each day of absence, two (days to be served) in the harka, and a fine of 2 duros.

Qa'ids of 25 men: the same, with a fine of 3 duros.

Qa'ids of 50 men: the same, with a fine of 4 duros.

Qa'ids of 100 men: the same, with a fine of 5 duros.

Qa'ids of 200 men: the same, with a fine of 6 duros.

This is an order emanating from the fortunate Makhzin (i.e. of 'Abd al-Krim). May God protect it. In Taghzut on Ramadan 23, 1344 (March 8, 1926). By order of 'Abd al-Karim bin Ziyan.[110]

12. DOCUMENT OF EXEMPTION FROM PAYMENT OF TAXES[111]:

Praise be to the one God. The blessings of God be upon our (lord) Muhammad, his family and friends.

It shall be known through the present document that we, taking into consideration the services rendered to the Makhzin and the taxes which because of hospitable attentions with warlike objectives (holy war) weigh upon the bearers, the sons of the late Si Ahmad bin Si 'Ali al-Tawti are exempted by us from the contributions concerned....The 'amil, in virtue of this, orders that they not be asked of them....And the peace.

Safar 18 of the year 1341 (October 10, 1922). Muhammad bin 'Abd al-Karim al-Khattabi, may God be with him, amen. (Signed and sealed).

13. QANUN OF THE SEA--AITH WARYAGHAR[112]:

A) The Boat Owner:

He owns the boat (agharrabu, pl. igharruba)[113], acquired by transfer, sale, already used or repaired by carpenters on the beach, of whom there are still a few[114].

The jma'ths agree on the amount of the fines to be imposed for infractions of these rules, especially those having to do with the freedom of women, forbidding the men either to come near them or to remain in those paths which lead to their washing or bathing sites. Ordinarily, in this case, a turn is set up for a boy to act as guard, at a prudent distance from the site, if the latter by its topographical situation or by its distance from the village renders such a move necessary.

D) Irrigation in General:

The utilization of water in the Central Rif, particularly among the Aith Waryaghar, is the object, in both general and particular cases, of agreements between the users; these agreements are made at the beginning of the summer for those water points which have a small or intermittent flow and which are of short duration. These agreements are also usually unwritten, and they deal with the following points: 1) dams, 2) network of irrigation ditches, 3) repairs to ditches, 4) turns (nubth, pl. nubath) of those who irrigate, and 5) infractions and sanctions.

The labor as well as the necessary repairs are done by compulsory personal service (twiza)[119] and proportional contributions on the part of the irrigators. Any ditches which need special work done on them, such as bridges or retaining dams, are previously agreed upon to be done by contract with master-masons, with the cost of the materials included.

Infractions are usually reduced to: 1) appropriation by anyone of a turn or turns of water outside or exceeding his own, and 2) differences and disputes which during the "Republik" were settled

671 and, second, diligence, both of which are qualities also needed by
224 judges of The Law[189], who, in order to manipulate their terrible
692 weapon, the pen, need attitudes of repose, and sheltered places where they can keep their books and papers and even hide their faces.

224 Incidents which arise during hunts are examined most often
578 by passing them to the mulu' of the same hunting party. He settles
627 them on the spot, giving his judgment on the matter, and in the
614 event that the question must go up in front of the imgharen, the latter limited themselves to doing their duty and to putting into effect the opinion of the mulu', a natural arbiter.

224 Thus it had to be; and if, for example, there was a hunting
578 incident in the snow, the best possible proof of which was individual
627 tracks or footprints, this required, on the part of the judge, dili-
695 [132] gence in copying or studying before it was rubbed out.

224 The usual sanction, all over the Rif, for hunting incidents
● 681 is a fine of 25 pesetas.[190]

[128] For the examination of different cases which tend to come up often, we have grouped them in the following categories, which facilitate consultation even though they are somewhat arbitrary.

F) Game:

223 1) A bird knocked down in flight within the range of vision
671 of the hunters belongs to whoever hits it, until, having hit the ground, it flies up again, in which case, and if it is not wounded again, it belongs to whoevef catches it.

223 2) If a bird or animal is hit simultaneously by several hunters,
224 it belongs to whoever catches it; and if several people should catch it
671 at onoe, it is divided among them (Aïth 'Ammarth).

671 224 [804] If, however, the animal should flee and be killed by another hunter, it (still) belongs to the one who discovered it, although he may not have shot or thrown at it, provided that the distance from the point where it fell to that where it was discovered can be covered by a stone's throw, done either by him himself or by another hunter designated by him, with, furthermore, the choice of either point as that of the stone-throw being open to him (either where the animal fell or where it got up). This is done in order to utilize the slope, if.....this distance had not been previously established.

671 223 224 8) An animal or bird flushed up by a hunter is his if he does not pass beyond a distance of forty feet counted from the point at which it was flushed, and even though the shot may have missed it or if it was overtaken by a dog (Sanhaja Srir).

[681] 9) If an animal or bird wounded by one hunting party is finished off and collected by another one, it belongs to the first party, to which it must be returned even though it may already be cooked; and if it has been eaten, the second party must pay the first 25 pesetas as compensation (Sanhaja Srir).

671 223 623 10) Nests belong to whoever discovers them, and in the event that they are saved as bait in order to hunt the mother with a trap or net, the site must be shown to the jma'th, in order to insure priority rights.

G) Dogs:[191]

671 223 224 231 1) Animals or birds picked up by dogs are not for the owner of the dog, but for whoever takes them out of his mouth (Aith 'Ammarth). This is based upon the fact that if the dogs are not trained, they will

224 671 aid was rendered with firearms, to pay a cartridge, and if rendered with a ferret, to surrender half of the animal taken, for the maintenance of ferrets, based on milk, eggs and bread with olive oil, is costly. The same holds true if he is lent a net; he must pay half of the animals he catches (Aith 'Ammarth).

671 224 689 Anyone who, if help is required of him, denies it and deliberately frightens the game away with shouts and gestures, in order to hunt it later on his own, is obliged to pay a fine of 25 pesetas for his selfishness.[192]

671 224 I) Snow:

The tracks of animals (largely hares and rabbits) and the footprints of hunters give rise to the following cases:

1) The animals are for whoever discovers them and follows their tracks from the point where these begin or further; this is thus a recognition of the greatest effort (Aith 'Ammarth).

2) This right may be yielded by the pursuer, for reasons of weariness, etc., to anyone whom he meets on the way; and in case he abandons the search, he loses his rights (Aith 'Ammarth).

671 224 423 3) After the den of an animal is discovered, the hunter makes a circle in the snow around it. This circle is a sign of priority rights to the animal within it, and it permits the hunter to follow new tracks even though he may not kill the animal within the burrow.

671 224 423 627 In case another man takes the animal from its den, the claim is examined in front of the mulu' by the first hunter taking oath to having made the circle in order to locate the animal first.

[681] If through lack of other proof and if afterward it comes to

671 224 423 627 681 be known that one of the parties involved obliged the other one to swear, even knowing that the latter was right, the first party is fined 25 pesetas over and above the value of the animal (Aith Waryaghar).[193]

671 224 4) Animals found on someone's plot of land belong to the man who catches them and not to the owner of the land (Aith 'Ammarth).[194]

J) Nets and Snares:

223 After threshing has been completed in the late summer, threshing floors somewhat distant from the villages are used in order to hunt partridges with nets.[195] The threshing floor is prepared for this purpose, with straw and grains wasted as fodder. It is then surrounded with a semi-circular fence, a sign that it is prepared for birds.

671 223 (685) On a threshing floor, the preferential right to any game caught is that of the owner of the floor. In a floor marked out as indicated above, only the indiviual who prepared it may hunt. Any other person who tries to do so is considered a thief, and the fine he must pay is calculated on the basis of the number of partridges in the net. This right is based upon the patient preparation and expense of fodder, as bait.

223 224 After the den of a rabbit or hare or the nest of a partridge has been discovered, the hunters sprinkle the path to it with the grain residues of threshing in order to gain the animal's confidence; and when they consider it gained, they put the trap hidden between the earth and the remains of the threshed straw.

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the traps and is stuck. In other tribes, instead of a reed tube, dried figs with flies are tied to the traps.[197]

L) Ferrets:

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In hunting with ferrets, these sometimes stay in the burrows of the game for several days and eat the game. In order to get a ferret out of the hole, its owner usually takes a chicken to the mouth of the den and makes it squawk; and the ferret is attracted by the noise. If he does not succeed through using this technique, the owner puts the chicken in a leather bag, in which it is kept, with the bag open, beside the entrance. When the ferret comes out, it enters the bag or stays crouched beside it.

Ferrets are also employed in hunting jackals and wolves (sic). The hunters prepare snares at the entrance of the animal's lair. They put the ferret there, and it is held down by its testicles. Aside from the snare already prepared, the hunters are then ready to finish the jackal off with blows from their sticks as it comes out.

M) Damages:

A hunting party is not responsible for damages which the individual hunters (Ar. mruyah, R. ingmarn) might inflict in garden, orchards, or beehives, etc., but the latter are. The injured party, if he does not accuse a specific person through not knowing who did the damage, can demand that the hunting party denounce the guilty individual, and if it does not wish to do this, it must declare, by name, those who passed closest to the site of the damage occasioned.[198]

If the latter confess, they pay a fine, and in case of denial, they are obliged to swear that they have not done the damage and that they do not know the man or men who did.

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22--All the lineages referred to in this paragraph live in the village of Tazurakhth, subclan of Aith 'Adhiya, clan of Aith Bu 'Ayyash, in Aith Waryaghar. In my own notes, however, we have no record of any lineage named Izubu'an in Tazurakhth, and this point we checked out with informants from the same village in 1954.

23--The holiest man in all the subclan areas of the Jbil of Aith Waryaghar, Sidi Ahmad (or, as he is called locally, Sidi Hmid) n Sidi r-Hajj Mis'aud, was of the Aith Kammun lineage of the subclan of the Lower Imrabdhen of the Aith Waryaghar clan of the Imrabdhen. It might be noted that he received one-fifth of any fine paid for a crime committed in the market or on the market road; the other four-fifths were divided up among the other constituents of the market, along tribal and segmentary lines (one for the Axt Tuzin, one for the Aith Bu Khrif of the Aith Bu 'Ayyash, one for the Aith 'Arus and one for the Aith Turirth). Sidi Ahmad also collected an annual ziyarth from the constituents of the Wednesday Market of Tawrirt, and every summer he made a trip through his bailiwick in order to bring about a cessation of bloodfeuds at harvest time.

24--From the lineage of Aith Wuzghar in Aith Bukhrif, of Aith Bu 'Ayyash Proper, Haddu n Muh Amzzyan became a qa'id quyad (qa'id of qa'ids) under 'Abd al-Krim and was the leader of the largest Rifian irregular force on the French Front in 1925-26. Under the Spaniards, he was qa'id of the Nkur qa'idate of Aith Waryaghar from 1926 to 1951, when he was removed from office by the Spanish authorities because of unnecessary harshness. He died on March 1, 1955. My own recollection of him is that he was the most remarkable informant I have ever encountered in Berber Morocco, a walking encyclopedia of Rifian custom.

25--This passage is difficult to translate and even perhaps unclear, but it is nonetheless a faithful rendering of the long-winded and verbose notarial prose in Arabic which any 'adl employs to terminate a document before signing his name.

26--What is meant here is that if the name of a sharif or holy man figures in any given qanun, the talib who is recording it tends to list him first of all, irrespective of whether or not he is the clan's most significant spokesman.

27--"Customary tribunal" is a term which the French applied to the courts of Berber law which they underwrote in the Atlas; and for this reason, it seems doubtful to me that such a notion can apply here, even though the idea that "custom was king" in the Rif was largely or even entirely valid during the "Republik".

28--Blanco makes no mention here of the haqq-houseburning relationship.

29--It seems fairly obvious that Blanco has inadvertently picked up this term for "vengeance" from the extensive literature on the Kabyles of Algeria; the Rifian term is r-'adhawth.

30--R-rhin, "mortgage", always applies to land or houses, i.e. to real property. If A needs money, he gives B some property of equivalent or greater value in return for lending the money to him. When A regains his money, he pays B back and takes back his property. In the Rif,

7: Mikesell K-4,5 (1955-1957) 1961 MX3 Rif MX3

a tower used as a lookout and blockhouse.[9] Conflict was most serious in the Rif, where it was necessary to establish a system of women's markets so that the members of feuding cantons or tribes could carry on a rudimentary trade. Another indication of the varying degrees of dissidence is the scale of fines imposed by customary law. The fine imposed for murder by the Aith Wariyaghar was four times as large as the fine for the same crime among the more pacific Sanhajan tribes.[10] In the laws of the Aith Seddath there is no mention of house-burning, a frequent occurrence in the Rif.

In the days before the European occupation the division between government and dissidence coincided with a division between authoritarian order and representative councils. This division might be described also as a contrast between Arab and Berber systems of government. The Berber system was based upon superimposed councils. The smallest was the council of a village or a number of scattered farmsteads. The second council, called the "council of the great," had jurisdiction over a canton. At least one and sometimes all members of the second council participated in the deliberations of a tribal council. The system was democratic, with rotation of authority; thus no one could gain excessive power. The Arab system was and is quite different, for authority rests with individuals, from the *qaid* who rules the tribe to the *shaikh* or *muqaddam* who rules the village or hamlet.

Of the many ceremonies that influence an individual's life, marriage is by far the most important. Here again there are marked differences from one area to another. In the Rif the wedding celebration lasts seven days; on the first four days, private feasts are held for the families involved; on the last three days, guests are invited to the feasts. In Jbala, Ghmara, and most of Sanhaja as-Srair the wedding celebration lasts only three nights. Other differences appear in the entertainment offered to the guests and the complicated rules that govern the behavior of the bride and groom.[11]

The other crises in the life of an individual—naming, the first haircut, and circumcision—vary correspondingly, as do the procedures related to death and burial. When a corpse is ready for burial in the Rif, it is carried on the door of the local mosque, and virtually the whole community turns out for the procession and funeral. In the Arabized sector of northern Morocco the body is usually carried by paid pallbearers, and only the immediate family may attend the burial. Among the Aith Bu Yihyi and Ulad Stut it is standard practice to carry the dead to the burial place on the back of a donkey or mule.[12]

The number of material traits that can be used as a basis for cultural differentiation is almost unlimited. Containers of skin and iron in Garet contrast with pottery in the Rif, and wooden vessels in Sanhaja as-Srair. Even within the Rif one may distinguish the handmade pottery in Igzinnayen, Aith Ammarth,

[9] Most of the towers were removed in 1922 by order of Abd al-Krim. D. M. Hart, "An Ethnographic Survey of the Riffian Tribe of Aith Wuryaghil," *Tamuda*, Revista de Investigaciones Marroquíes, 2 (1954), 38.

[10] For further information on customary law in the Rif, see E. Blanco Izaga, *El Rif: la ley rifeña* (Ceuta: Imprenta Imperio, 1939), pp. 71–75.

[11] Edward Westermarck, *Marriage Ceremonies in Morocco* (London: Macmillan and Co., Ltd., 1914).

[12] C. S. Coon, "Tribes of the Rif," *Harvard African Studies*, 9 (1931), 143–145.

[TEXT CONTINUED ON PAGE 9 1

621 /240 cont./
628 reals; 5,000 if it only wounded him; if the bullet missed its
613 goal, 2,500. The marksman, however, fortunate or awkward,
726 perished the next day, struck perhaps by a child hidden with a
[435] gun in a thicket of lentiscus.

It is understandable that under these conditions the notion of
613 "khoms" is often obscure; the only group that can exist then is
619 the family, around which assemble by bonds of adoption and marriage the weakest groups and the outsiders so as to form the "tarfiq."

613 Discords sometimes become so violent that material life
628 frequently stops; only the women then dare to go out into the fields; the men come to pray at the mosque without abandoning
613 their guns. In these circumstances, the family heads of the
628 whole country gather together in order to decide on a "ribat,"
675 which is respected for several months. This name is given to a solemn agreement that binds all the members of the neighboring tribes to repress, by means of very high fines, murders, rapes, large thefts, aggressions at the markets or on the roads leading to
[681] them. The sums paid by the guilty, which can climb to several thousand douros, are divided among the contracting tribes. The "amghars," heads of the most powerful families, have only the small personal part that goes to them just as to mere individuals.

628 Among the less turbulent tribes of the Rif, as at Targist, at
184 Zerqet, among the Beni Gmil, private wars have not reached as
184 great a development since the inhabitants still succeed in living
621 grouped in hamlets. The "mouda^{c}" or subfractions and even the
632 "khoms" sometimes summon all the warriors in order to delibe-
621 rate common affairs. This meeting, to which each one comes
613 armed, takes the name "agrao" as in the Haut-Atlas /High Atlas/ and the Moyen-Atlas /Middle Atlas/. Sometimes the chiefs of
[681] each of the important families put at the head of the khoms an
[671] amghar whose role is to see to the application of the customary law, to have the fines, or "insaf," paid, with which crimes are punished according to rules known by all, but not written. Like
[652] the moqaddem in the western Atlas, this amghar collects one third of the "insaf"; the other two parts go to the tribe.

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/Footnote 1 continued./ Doutté thinks, on the contrary, that it is a matter of a purely Berbère /Berber/ institution and one that is explained by the sacred and redoubtable character of the woman.

Several markets reserved for women exist among the Beni Ouriaghel of the Rif in a very Islamized region.

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In the Rif, where anarchy develops spontaneously and spreads much farther than in the South of Morocco, the protection of the markets is the occasion chosen by the tribes of the vicinity to conclude an alliance, a "ribat." But here again in these meetings appear leaders charged with judging the differences that can arise in this turbulent assemblage of armed men.

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For example, the Targist market, which has particular importance since it is found at the crossing of the principle routes of passage in the region of the Haut-Ghis, is under the supervision of "amghars" especially designated by three neighboring tribes, the Beni Mesdwi, Targist, Zerqet. These chiefs hold their meetings in an isolated "tahanout," and on their initiative the public crier announces to all the established rule: "O Mussulmans! Know that there /253/ exists among us an agreement concerning the souq /sook/ of the Oued, valid for three days, Tuesday, Wednesday, and Thursday. He who kills someone must pay 2,000 Spanish douros; if he only wounds him, he gives 1,000 douros. He who stops a drover of beasts during these three days must give back the other's property and pay 500 douros in fines; for our market is a market where peace prevails, O Mussulmans! and each one can verify this with his own eyes. May God blind the one who does not wish to see!" In spite of these precautions, however, shots burst out sometimes and the souq is broken up; when incidents occur again, the market disappears, to the great loss of the inhabitants of the country (1).

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1. It is known that likewise in Kabylie /Kabylia/ the surveillance and the policing of markets are

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619 648 in the creation of a kind of political chessboard analogous to the one that we found among the Masmouda, subsided for a time.

175 726 [648] Several years of peace -- from 1898 to 1903 -- were followed by the passing of the pretender Bou Hamara and soon by the intervention of Spain on the coasts of the Rif beginning from 1909. Anarchy broke out anew; other leffs were again constituted [616] [634] around the two rival fractions of Targist, winning all the country from the West to the East, from the Beni Gmil to the Beni Amret. It was in the course of these combats that there then appeared and grew important such amghars as El Hajj Beqqich, in the north of the Gzennaya, Mohammed ᶜAbdallah of the Ijaᶜounen, in the tribe of the Beni Amret, Mesaᶜoud of Aqqa among the Beni Gmil.

634 [171] /296/ These minor chiefs then are masters more absolute in their tribes than the Masmouda amghars of the same importance; they do not find themselves in fact inconvenienced by the tradition of the oligarchic inflas councils, nor by the memory of the moqaddem's role. Nevertheless, like the amghars of the Haut-[171] Atlas /High Atlas/, they share with the notables the fines paid by [681] the guilty, taking a third when they are still weak and nearly all [434] when they have solidly established their power. In the cantons [614] that they dominate, they establish other amghars chosen from among the strongest "tarfiqt" chiefs and bind them to them by [581] marriages. The authority that they acquire in this way is such that they are capable of conducting far and wide, across the neighboring tribes, expeditions to a distance of a day's march, in order to go to make their word respected and to punish their adversaries. El Hajj Beqqich did this; leaving from the sources of the Nkor, he went with his horsemen to wreak vengeance on his enemies as far as Ajdif.

175 721 634 648 [669] At the time of the great movement for a holy war against Spain in 1921, the amghars figured at the head of the Riffian contingents. We see them take part with ardor in the battle of Anoual. But when ᶜAbd el Kerim, his relatives and companions from the village of Ajdir take, by means of the "Jihad," the command of the Beni Ouriaghel, organize a little state, bend the surrounding tribes to their will in order better to direct the fight